

February 12, 2007

Re: Support for H.B. 597

Madam Chair,

I was unable to attend the hearings in this matter, but would like to voice my support for H.B. 597 in writing.

While I recently changed occupations, I was previously a practicing attorney in the State of Montana from 1991-2006. It is my opinion that we have not done enough in the State of Montana to protect minors from exposure to harmful pornographic and sexually explicit materials. While we do protect them from the most "obscene" material, that protection does not go nearly far enough.

We need to be able to enact "Harmful to Minors" ordinances and have laws prohibiting the dissemination of these harmful materials to minors. While, this would not affect adult's access to these materials, it would be of great benefit to our children.

As you will recall Section 45-8-201(5), MCA allows cities, towns and counties to adopt ordinances or resolutions with respect to "Harmful to Minors" type ordinances which may be more restrictive than the State statute. This is a reasonable expression of trust in the local communities to enact ordinances to protect their children.

However, a recently proposed Ordinance in Ravalli County was recently rejected and declared illegal and invalid, based primarily on certain problems or deficiencies in the State statute, namely Section 45-8-201, MCA. The proposed H.B. 597 before the committee contains amendments which cure the defects found by the Ravalli County District Court and would allow local cities, town and counties to adopt more restrictive ordinances, which in fact was the clearly stated intent of Section 45-8-20, MCA. I would urge the Committee to pass the bill. The intent of the legislature was thwarted by the Ravalli County Court decision. The proposed amendments are necessary to allow the intent of the legislature to go forward, allowing local citizens the opportunity to enact reasonable and necessary protections for our children. Thank you.

Sincerely,

J. Stuart Bradshaw  
305 Church Street  
Stevensville, MT 59870  
Tel. (406) 381-1114  
Email: jsbradshaw@hotmail.com